

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1-18 are pending of which claims 1, 8 and 13-15 are independent. Claims 1 and 8-15 have been amended to clarify the subject matter recited therein without narrowing the scope thereof.

II. Formal Drawings and Priority Document

The Examiner is kindly requested to acknowledge the acceptance of the formal drawings filed on September 10, 2003 and the priority document filed on April 10, 2004.

III. Rejections under 35 U.S.C. §112, second paragraph

Claims 13 and 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, "said synchronous signals" recited in both claims 13 and 14 is alleged to lack antecedent basis.

Claims 13 and 14 have been amended to address the Examiner's rejection. Accordingly, the Examiner is kindly requested to withdraw the rejection.

IV. Double Patenting Rejections

Claims 15 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/658,208.

The Examiner is kindly requested to hold these provisional rejections in abeyance until all other patentability issues have been officially resolved¹. Should a

¹ With respect to co-pending Application No. 10/ 658, 208, its latest Notice of Panel Decision from Pre-Appeal Brief Review indicates that the co-pending application is allowable and a Notice of Allowance will be mailed.

double patenting rejection remain at that time, Applicants expect to file a Terminal Disclaimer(s) as necessary.

V. Rejections under 35 U.S.C. §103 (a)

Claims 1, 2, 8, 9, 13, 15 and 17

Claims 1, 2, 8, 9, 13, 15 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jang (UK Patent No. 2 347 588 – hereinafter Jang) in view of Yamaguchi (U.S. Pub. No. 2007/0206518 – hereinafter Yamaguchi) further in view of Kida et al. (U.S. Patent No. 6,335,728 – hereinafter Kida) and further in view of Hassell et al. (U.S. Pub. No. 2004/0107439 – hereinafter Hassell). Applicants respectfully traverse this rejection.

Claim 1 recites a display apparatus for a mobile terminal for displaying a television video signal in the mobile terminal, the display apparatus comprising, *inter alia*, a format scaler for scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder.

As argued in the Amendment filed February 11, 2009 (hereinafter “February Amendment”), Yamaguchi, which was cited for allegedly teaching the format scaler as claimed, does not teach or suggest the format scaler as claimed. Yamaguchi teaches re-sizing two images displayed on a screen to accommodate displaying an additional image on the screen. However, it does not teach or suggest scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder.

In the “Response to Arguments” section of the Final Office Action, while implicitly acknowledging² that Applicants’ finding that Yamaguchi does not teach or

² In the “Response to Arguments” section, the Examiner acknowledges Applicants’ assessment that Yamaguchi teaches resizing received picture information 33a and 33b in order to accommodate the display of message information 33c without confronting Applicants’ finding drawn from the assessment

suggest scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder, the Examiner turns to Jang as curing this deficiency despite that the Examiner acknowledges, on page 6, lines 8-10 of the same Final Office Action, that Jang does not supply such a deficiency of Yamaguchi. In particular, the Examiner cites page 11, line 17 to page 12, line 17 of Jang as curing this noted deficiency of Jang together with the Examiner's own belief that "it is well known to include a sync signal in television video signals in order to allow receiver decoders to figure out the way video frames should be presented to a viewer".

However, page 11, line 17 to page 12, line 17 of Jang, at best, merely teaches a character superimposing generator 28 that generates a character superimposing signal based on the count value derived from counting a horizontal synchronizing signal. Nowhere does Jang teach or suggest that synchronous signals can be used as the basis for scaling video data to a predetermined frame size. In addition, the Examiner's contention, even if true, has no bearing on the format scaler as claimed, since *including a sync signal allows receiver decoders to figure out the way video frames should be presented to a viewer*, as the Examiner believes, does not teach a scaling operation based on the sync signal, much less scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder, as recited in claim 1. *In fact, Jang, in itself, exemplifies the error in this contention, since, contrary to the Examiner's contention, Jang teaches receiving synchronous signals but does NOT teach performing any scaling operation based on the received synchronous signals.*

Accordingly, Jang does not cure the above-noted deficiency of Yamaguchi. Claim 1 should therefore be allowable over Jang, Yamaguchi, Kida and Hassell.

that Yamaguchi's teaching is irrelevant to scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder, as recited in claim 1.

Further, claim 1 recites, *inter alia*, video processing means for, ..., in said communication mode, *stopping operations of said tuner and decoder* and outputting second user data generated in said communication mode from said control means.

The Examiner alleges that page 10, lines 3-5 of Jang discloses the feature of "in said communication mode, *stopping operations of said tuner and decoder*" as recited in the claim 1. However, page 10, lines 3-5 of Jang discloses "*a second incoming call mode for muting the audio sound of the TV phone and "on/off" switching output of an image of the TV phone*", rather than the claimed *stopping operations of said tuner and decoder*, that is, interrupting a reception of the television signal itself and informing an coming call.

Accordingly, contrary to the Examiner's assessment, Jang does not disclose, teach, or suggest video processing means for, ..., in said communication mode, *stopping operations of said tuner and decoder* and outputting second user data generated in said communication mode from said control means. On the other hand, Yamaguchi, Kida and Hassell do not cure this deficiency of Jang. Therefore, claim 1 should be allowable over Jang, Yamaguchi, Kida and Hassell for this reason also.

Claims 8, 13 and 15 contain subject related to that of claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, claims 8, 13 and 15 should also be allowable over Jang, Yamaguchi, Kida and Hassell. The rejection of claims 8, 13 and 15 should therefore be withdrawn.

The rejection of claims 2, 9 and 17 should be withdrawn at least by virtue of their dependency from allowable claims 8, 13 and 15.

Claims 3-7, 10-12, 14, 16 and 18

Claims 3, 5, 6, 7, 10, 11, 12, 14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jang, Yamaguchi, Kida and Hassell and further in view of

Barile (U.S. Pub. No. 2002/0093531 – hereinafter Barile). Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jang, Yamaguchi, Kida, Hassell and Barile and further in view of Ng (U.S. Patent No. 6,681,285 – hereinafter Ng). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jang, Yamaguchi, Kida, Hassell and Barile and further in view of Yui (U.S. Patent No. 6,885,406 – hereinafter Yui).

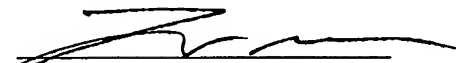
The rejections of claims 3-7, 10-12, 14, 16 and 18 should be withdrawn at least by virtue of their either incorporating by reference (resulting from dependency from respective base claims) or containing subject related to that of claim 1, and the fact that the cited secondary references Barile, Ng and Yui do not cure the above-noted deficiency of Jang, Yamaguchi, Kida and Hassell in connection with the feature.

VI. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,


Jundong Ma
Attorney for Applicant
Reg. No. 61,789

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
(202) 659-9076

Dated: July 27, 2009